

CV-14-427

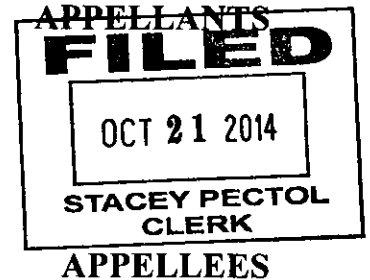
IN THE ARKANSAS SUPREME COURT

NATHANIEL SMITH, MD, MPH, et al

VS.

Case No. CV-14-427

M. KENDALL WRIGHT, et al



STATE DEFENDANT-APPELLANTS' RESPONSE TO **APPELLEES' MOTION TO EXPEDITE APPEAL**

Come now the Director of the Arkansas Department of Health and the Director of the Arkansas Department of Finance and Administration, in their official capacities, and their successors in office (the “State” or “State Defendants”), and respectfully submit the following Response to the Plaintiff-Appellees’ Motion to Expedite Appeal. The State Defendants are represented herein by the Office of the Arkansas Attorney General pursuant to Ark. Code Ann. § 25-16-702(a), which requires the Attorney General to serve as counsel for state agencies and entities when requested. *See id.* (“The Attorney General shall be the attorney for all state officials, departments, institutions, and agencies. Whenever any officer or department, institution, or agency of the state needs the services of an attorney, the matter shall be certified to the Attorney General for attention.”).

1. The State does not object to the Appellees' request for an expedited decision in this appeal.

2. The State has met all deadlines in this appeal and does not seek to delay a decision by the Court. With the State's Appellants' Brief, counsel for the State prepared a 164-page abstract of the hearings held before the circuit court. Counsel for all parties engaged in roughly eight hours of oral argument before the circuit court, and all parties have adopted the State's abstract of the oral arguments below. Because this case presents only questions of law that were briefed and argued extensively before the circuit court, and have been thoroughly briefed by the parties before this Court, the State did not request oral argument. The State has filed its reply brief, and any others are due October 22, after which this appeal would be ripe for a decision by this Court if not for the Appellees' oral argument request. The State respectfully submits that oral argument is unnecessary.

Respectfully Submitted,

By: /s/ Colin R. Jorgensen
Ark. Bar #2004078
Assistant Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-3997
(501) 682-2591 (facsimile)
colin.jorgensen@arkansasag.gov

Attorney for the State.

CERTIFICATE OF SERVICE

I, Colin R. Jorgensen, Assistant Attorney General, certify that on this 21st day of October, 2014, I have served the foregoing upon the following via electronic mail attachment:

Cheryl K. Maples
ckmaples@aol.com

Jack Wagoner III
jack@wagonerlawfirm.com

Angela Mann
angela@wagonerlawfirm.com

Attorneys for the Plaintiff-Appellees

David M. Fuqua
dfuqua@fc-lawyers.com

Attorney for Separate Defendant-Appellant Pulaski County Clerk Larry Crane

Jason E. Owens
owens@rainfirm.com

Attorney for Separate Defendant-Appellants White County Clerk Cheryl Evans, Lonoke County Clerk William "Larry" Clarke, Washington County Clerk Becky Lewallen, Conway County Clerk Debbie Hartman, and Saline County Clerk Doug Curtis

/s/ Colin R. Jorgensen

CERTIFICATE OF COMPLIANCE

I, Colin R. Jorgensen, do hereby certify that I have submitted and served on opposing counsel an unredacted PDF document that complies with the Rules of the Supreme Court and the Court of Appeals of Arkansas. The PDF document is identical to the corresponding parts of the paper document from which it was created as filed with the Court. To the best of my knowledge, information, and belief formed after scanning the PDF document for viruses with an antivirus program, the PDF document is free from computer viruses. A copy of this certificate has been submitted with the paper copies filed with the Court and has been served on all parties.

/s/ Colin R. Jorgensen